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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,417	12/03/2003	Yoshiyuki Ishii	1982-0207P	4769

2292 7590 12/22/2006  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
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EXAMINER

TAWFIK, SAMEH

ART UNIT	PAPER NUMBER
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3721

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	12/22/2006	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 12/22/2006.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

## Office Action Summary

**Application No.**

10/725,417

**Applicant(s)**

ISHII ET AL.

**Examiner**

Sameh H. Tawfik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,6,7,18,21,22 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6,7,18,21,22 and 26-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6, 7, 18, 21, 22, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshiaki (Japanese Patent No. 09-124200) in view of Sullivan et al. (U.S. Patent No. 4,416,651).

Yoshiaki discloses a method for controlling manufacture of a sheet material comprising cutting the sheet material into plurality of sheets of predetermined size (Fig. 4; via web of roller 20 cut into predetermined size); detecting passage of the sheets or the processed products of the sheets by sheet detectors (Fig. 4; via detecting means 68, 70, 72, 47, 76, 75, and 78) disposed at entrance and exit sides of each of the processing operations (Fig. 4; via the sensors are locating at different entrance and exits of different stations) or the processing sections where the sheets or the processed products of the sheets enter and exit the processing operations or the processing sections (Figs. 4); and controlling conveyance (Fig. 4; via controlling means) or manufacture of the sheets or the processed products of the sheets based on results of detection by the sheet material detectors (via different sorting trays for different qualities of the cut sheets); wherein each of the processing operations or the processing sections comprises a branch path for sorting the sheets or the processed products of the sheets being conveyed and the sheet detectors are

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disposed at an entrance side and exit sides of the branch path (Fig. 4; via sorting sheets based on detecting results at branch path; detectors at entrance and exit of diff. stations).

Yoshiaki does not disclose the step of stopping conveyance of the sheet or the processed products when is not detected by a sheet detector. However, Sullivan discloses a similar method of controlling manufacture of product comprising the step of stopping conveyance of the sheet or the processed products when the sheet is not detected (Fig. 1 and column 5, lines 48-55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Yoshiaki's method by having the step of stopping conveyance of the processed products when there is no detection of the sheet, as suggested by Sullivan, in order to provide an efficient control of feeding the products.

Alternatively, the examiner takes an official notice that such step of stopping conveyance of products in one section of manufacturing machine is old, well known, and available in the art as taught by Sullivan '651.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Yoshiaki's method by having the step of stopping conveyance of the processed products, as a matter of engineering design choice, in order to provide an efficient control of feeding the products.

Regarding claim 7: '200 discloses that wherein the predetermined operation comprises sorting the sheets (Fig. 4; via 48 and 50).

Regarding claim 18: '200 discloses that wherein the operation section includes a sorting section for sorting the sheets and conveying and collecting the sheets into different collection sections (Fig. 4; via sorting trays 48 and 50); the sorting section including a sheet conveyance

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path with at least one branch gate (via gates 42, 44, and 47); the at least one branch gate operating so as to direct a sheet conveyed thereto to one of different paths therefrom; sheet detectors are disposed at entrance and exit sides of the at least one branch gate for detecting a sheet that passes through or has passed through the at least one branch gate (Fig. 4); and the controlling step includes determining a conveyance status of the sheet based on results of detection by the sheet detectors (Fig. 4; via controlling means).

Regarding claim 21: '200 discloses that wherein one of the collection sections is disposed together with a counter for counting a number of the sheets collected at the respective collection section at each of terminal ends of the branch paths (Fig. 4; note that it is inherent such managing device is capable of counting the sheets).

Regarding claim 22: '200 discloses that wherein at least one of the paths branched from the at least one branch gate directs the sheet toward a next branch gate (Fig. 4; via gate 42 directs sheets to gate 44).

Regarding claim 26: '200 discloses that wherein at least one of wrapping and packaging the collected sheets is carried out to provide wrapped and/or packaged sheets (Fig. 4; via 60); further comprising the step of counting a number of sorted sheets and the numbers of at least one of the wrapped and packaged sheets (Fig. 4; note that it is inherent such computing/processor means 180 capable for counting the wrapped/packaged sheets 60; via through sensor 78).

Regarding claims 27 and 28: '200 discloses a control unit via 186 and web managing device via 182 to calculate the number of the number of the plurality of sheets into which the sheet material is cut (page 1 (solution), lines 9-13); note that it is inherent such controller and managing device are capable of calculating and comparing numbers.

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***Response to Arguments***

Applicant's arguments with respect to claims 1, 6, 7, 18, 21, 22, and 26-28 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

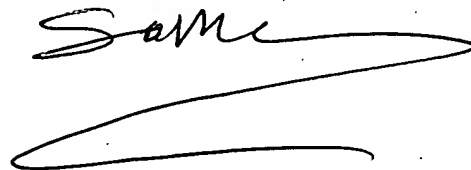
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 9:00 AM to 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sameh H. Tawfik  
Primary Examiner  
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A handwritten signature in black ink, appearing to read 'Sameh', followed by a long, sweeping horizontal line that extends to the right and then curves back under the signature.

ST.